

ASSEMBLY BILL

No. 985

Introduced by Assembly Member Cooley

February 22, 2013

An act to amend Section 11403.01 of the Welfare and Institutions Code, relating to CalWORKs.

LEGISLATIVE COUNSEL'S DIGEST

AB 985, as introduced, Cooley. Aid to families with dependent children.

Existing law, through the Kinship Guardianship Assistance Payment Program (Kin-GAP), which is a part of the CalWORKs program, provides aid on behalf of eligible children who are placed in the home of a relative caretaker. Under existing law, Kin-GAP aid is provided on behalf of any child under 18 years of age and to any eligible youth under 21 years of age who meets specified requirements, including that he or she is completing secondary education or a program leading to an equivalent credential. Existing law also allows a nonminor to continue to receive Kin-GAP aid after his or her 18th birthday if the child continues to reside in the relative's home, remains otherwise eligible for Kin-GAP payments, and continues to attend high school or the equivalent level of vocational or technical training on a full-time basis, or continues to pursue a high school equivalency certificate, and the child may reasonably be expected to complete the educational or training program or to receive a high school equivalency certificate before his or her 19th birthday.

This bill would additionally authorize a nonminor to receive Kin-GAP benefits if he or she is 21 years of age or younger and meets any of certain criteria, including, among others, that he or she attends a

postsecondary institution of higher education or is employed at least 80 hours per month. The bill would also authorize a nonminor in high school or a General Education Development program to continue to receive aid if he or she is reasonably expected to complete the educational program by his or her 20th birthday. By expanding eligibility for Kin-GAP and increasing county responsibilities in administering the program, this bill would impose a state-mandated local program.

Existing law continuously appropriates moneys from the General Fund to defray a portion of county aid grant costs under the CalWORKs program.

This bill would declare that no appropriation would be made for purposes of the bill.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11403.01 of the Welfare and Institutions
2 Code is amended to read:
3 11403.01. ~~On and after January 1, 2012, a~~(a) A nonminor
4 who is receiving Kin-GAP benefits under Article 4.5 (commencing
5 with Section 11360) or Article 4.7 (commencing with Section
6 11385) and whose Kin-GAP payments began prior to the child's
7 16th birthday and who is receiving aid pursuant to those articles,
8 ~~and who is attending~~ may continue to receive aid pursuant to those
9 articles if the nonminor is 21 years of age or younger and meets
10 any one of the following requirements:
11 (1) Attends high school or the equivalent level of vocational or
12 technical training on a full-time basis, or is in the process of
13 pursuing a high school equivalency certificate, prior to his or her
14 18th birthday, ~~may continue to receive aid under those articles~~
15 ~~following his or her 18th birthday so long as if~~ the child continues
16 to reside in the relative's home, remains otherwise eligible for

1 Kin-GAP payments, and continues to attend high school or the
2 equivalent level of vocational or technical training a General
3 Education Development (GED) program on a full-time basis, or
4 continues to pursue a high school equivalency certificate, and the
5 child may reasonably be expected to complete the educational or
6 training program or to receive a high school equivalency certificate,
7 before his or her 19th 20th birthday. Aid

8 (2) Attends a postsecondary institution of higher education or
9 an educational program leading to an equivalent credential.

10 (3) Is enrolled in an institution that provides vocational
11 education.

12 (4) Participates in a program or activity designed to promote,
13 or remove barriers to, employment.

14 (5) Is employed at least 80 hours per month.

15 (6) Is unable to do any of the activities described in paragraphs
16 (1) to (5), inclusive, because of a medical condition, and that
17 inability is documented by regularly updated information in the
18 case plan of the nonminor.

19 (b) Aid shall be provided to an individual pursuant to this section
20 provided that both if the individual and the agency responsible for
21 the related guardianship placement have signed a mutual
22 agreement, if the individual is capable of making an informed
23 agreement, documenting the continued need for out-of-home
24 placement.

25 SEC. 2. No appropriation pursuant to Section 15200 of the
26 Welfare and Institutions Code shall be made for the purposes of
27 this act.

28 SEC. 3. If the Commission on State Mandates determines that
29 this act contains costs mandated by the state, reimbursement to
30 local agencies and school districts for those costs shall be made
31 pursuant to Part 7 (commencing with Section 17500) of Division
32 4 of Title 2 of the Government Code.